



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Donald L. Schilling

**Application No.:** 09/843,520

**Confirmation No.:** 8354

**Filed:** April 27, 2001

**For:** SPREAD SPECTRUM ADAPTIVE  
POWER CONTROL  
COMMUNICATIONS SYSTEM AND  
METHOD

**Group:** 2631

**Examiner:** Not Yet Known

RECEIVED  
FEB 15 2002  
OFFICE OF PETITIONS  
Our File: 09/843,520 US  
Date: January 25, 2002  
PATENTS

**REPLY TO THE NOVEMBER 26, 2001 DECISION  
REFUSING STATUS UNDER 37 C.F.R. §1.47(b)**

Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

02/14/2002 TBESHAN1 00000116 090435 09843520

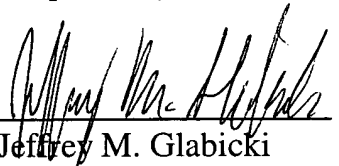
01 FC:122 Sir:130.00 CH

This Reply is filed in response to the November 26, 2001 Decision Refusing Status Under 37 C.F.R. §1.47(b). In that decision, the September 21, 2001 Petition was dismissed as for 1) that inadequate proof was submitted demonstrating that the non-signing inventor was presented the application papers and declaration, when refusing to sign the declaration 2) the signed declaration was deficient as not providing the citizenship, residence and mailing address of the assignee's representative; and 3) proof of irreparable damages was inadequate. With respect to items 1 and 3, a supplemental declaration by Jeffrey Glabicki is provided as proof for those two points. With respect to item 2, a new declaration is submitted providing the required information concerning the assignee's representative

09843520  
090435  
00000116  
05/14/2002  
02/14/2002  
01 FC:122  
Adjustment date  
02/14/2002  
01 FC:122

Withdraw of the decision to dismiss the petition is respectfully requested and reconsideration of the petition and consideration of the materials provided with this reply is respectfully requested.

Respectfully,

By   
Jeffrey M. Glabicki  
Registration No. 42,584  
(215) 568-6400

Volpe and Koenig, P.C.  
Suite 400, One Penn Center  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103

JMG/lma  
Enclosures



PATENT

#9

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Donald L. Schilling

**Application No.:** 09/843,520**Confirmation No.:** 8354**Filed:** April 27, 2001**For:** SPREAD SPECTRUM ADAPTIVE  
POWER CONTROL  
COMMUNICATIONS SYSTEM AND  
METHOD**Group:** 2631**Examiner:** Not Yet Known**RECEIVED**  
FEB 15 2002  
OFFICE OF PETITIONS  
DEPUTY ASST. COM. PATENTS  
Our File # 09/843,520  
Date: January 25, 2002**SUPPLEMENTAL DECLARATION OF JEFFREY M. GLABICKI  
IN SUPPORT OF PETITION PURSUANT TO 37 C.F.R. §1.47(b)**Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

02/14/2002 TBESHAI 00000117 090435 09843520

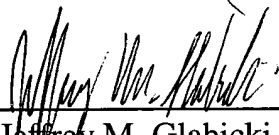
01 FC:105 Sir: 130.00 CH

I was called by Donald L. Schilling on August 21, 2001 at around 10:00 a.m. Mr. Schilling was calling from his residence at Hoffstot Lane, Sands Point, NY 11050 and I was at the offices of Volpe and Koenig, P.C. at Suite 400, One Penn Center, Philadelphia, PA 19103. During that conversation, Mr. Schilling acknowledged receipt of the declaration (one having his New York address and one having his Florida address) and a copy of the application papers (the application papers included the specification, claims, abstract and drawings). Attached are the two (2) cover letters sent to Mr. Schilling, one dated April 2001 and the other dated July 10, 2001. I was the individual who sent the letters to Schilling including the application and declarations.

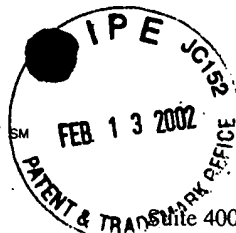
Adjustment date: 05/14/2002  
02/14/2002 TBESHAI 00000117 090435  
01 FC:105 CR

The filing of this application was necessary to avoid a bar date. At the filing date of this application (April 27, 2001), the only currently pending application to which this application could claim priority was U.S. Patent Application No. 09/843,520, which issued on May 1, 2001 as U.S. Patent No. 6,226,316. If this application was not filed by the May 1, 2001 bar date, the claims currently pursued in this application or any amended or additional claims filed later would have been lost as a result of the bar date. Accordingly, irreparable harm would have resulted.

Respectfully,

By:   
Jeffrey M. Glabicki

**Volpe  
and  
Koenig**  
P.C.



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1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103

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INTELLECTUAL PROPERTY LAW

Jeffrey M. Glabicki  
jmg@volpe-koenig.com

**RECEIVED**  
FEB 15 2002  
OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

April 27, 2001

Dr. Donald L. Schilling  
10346 Redon Drive  
Frenchman's Creek  
Palm Beach Gardens, FL 33410

Re: File: I-2-32.3US  
New U.S. Patent Application Entitled  
*SPREAD SPECTRUM ADAPTIVE POWER  
CONTROL COMMUNICATIONS SYSTEM AND METHOD*

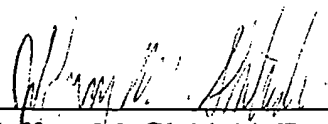
Dear Dr. Schilling:

We are preparing a continuation-in-part application, which is a combined disclosure of two of your inventions, "Adaptive Power Control For a Spread Spectrum Transmitter" (you were the sole inventor) and "Spread Spectrum Adaptive Power Control Communications System And Method" (you were a joint inventor). I believe you will recognize the incorporation of those applications in the attached specification. The claims to the combined application are drawn to material, which I believe was solely invented by you. Accordingly, we prepared a Declaration for execution by you for this application. Since we are unsure whether to use your New York or the Florida address, we attached two (2) Declarations. Please sign the appropriate one. For your convenience, we have indicated where the Declarations need to be signed and dated and we have enclosed a self-addressed, stamped envelope for your convenience in sending it back to us.

Please sign and date the appropriate Declaration and return it to us in the self-addressed stamped envelope. We greatly appreciate your cooperation in this matter.

Very truly yours,

Volpe and Koenig, P.C.

By   
Jeffrey M. Glabicki, Esquire  
JMG/ma  
Enclosures

**Volpe**  
and  
**Koenig**  
P.C.



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1617 John F. Kennedy Boulevard  
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BRINGING LAW TO YOUR IDEAS

---

Jeffrey M. Glabicki  
jmg@volpe-koenig.com

July 10, 2001

Mr. Donald L. Schilling  
Hoffstot Lane  
Sands Point, NY 11050

Re: File: I-2-32.3US  
U.S. Patent Appln. No. 09/843,520  
*SPREAD SPECTRUM ADAPTIVE POWER CONTROL  
COMMUNICATIONS SYSTEM AND METHOD*

Dear Mr. Schilling:

As you may recall, around 1990 you filed a patent application concerning adaptive power control for a spread spectrum transmitter. Subsequent to that initial filing, two (2) other applications were filed with additional material and other inventors were added to those applications. However, in the later filed applications, most of the original disclosure from your application was omitted. We have put together this application which reintroduces your original material. The claims to this application are solely supported by your original disclosure and, accordingly, we believe you are the sole inventor with respect to this application.

Since the other inventors listed on the later filed applications did not contribute to these claims, we are required to file a new Declaration with you as the sole inventor. Accordingly, enclosed is a Declaration for your execution. For your convenience, we have enclosed a self-addressed, stamped envelope.

We are required to file the Declaration by **September 3, 2001**. Accordingly, your prompt attention to this matter would be greatly appreciated.

If you have any questions, please get in contact with me.



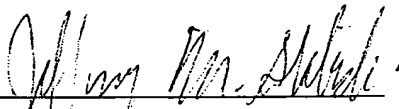
Mr. Donald L. Schilling  
Page 2

July 10, 2001  
I-2-32.3US

We look forward to receipt of the executed documents.

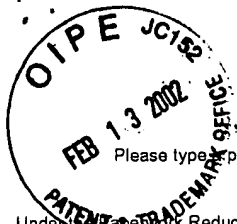
Very truly yours,

Volpe and Koenig, P.C.

By   
Jeffrey M. Glabicki, Esquire

JMG/lma  
Enclosures (3)

bcc: Robert Paczulla



Please type plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/843,520	
	Filing Date	April 27, 2001	
	First Named Inventor	Donald L. Schilling	
	Group Art Unit	2631	
	Examiner Name	Not Yet Known	
Total Number of Pages in This Submission	10	Attorney Docket Number	I-2-32.3US

RECEIVED FEB 15 2002 OFFICE OF PETITIONS & APPEALS

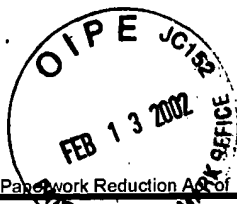
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>SEE REMARKS</b>
Remarks		1) Reply to the November 26, 2001 Decision Refusing Status Under 37 C.F.R. §1.47(b); 2) Supplemental Declaration of Jeffrey M. Glabicki in Support of Petition Pursuant to 37 C.F.R. §1.47(b); and 3) Executed Declaration and Power of Attorney.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jeffrey M. Glabicki Volpe and Koenig, P.C. Reg. No. 42,584
Signature	<i>Jeffrey M. Glabicki</i>
Date	1/25/02

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box DAC, Washington, DC 20231 on this date: 1/25/02	
Typed or printed name	Jeffrey M. Glabicki
Signature	<i>Jeffrey M. Glabicki</i>
Date	1/25/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.





Volpe and Koenig Revision of PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 260.00

**Complete if Known**

Application Number	09/843,520
Filing Date	April 27, 2001
First Named Inventor	Donald L. Schilling
Examiner Name	Not Yet Known
Group Art Unit	2631
Attorney Docket No.	I-2-32.3US

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number  
  
Deposit  
Account  
Name

09-0435

InterDigital Comm. Corp.

- ☒
- Charge any Deficiencies or Credit any Overpayment in the Total Fees Associated With This Communication

☐ Applicant claims small entity status.  
See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Fee Fee Fee Fee Description  
Code (\$) Code (\$) Code (\$)

101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

Fee Paid

SUBTOTAL (1) (\$ ) 0.00

**2. EXTRA CLAIM FEES**

Total Claims		-	** =		X		=	
Independent Claims		-	** =		X		=	
Multiple Dependent							=	

Large Entity Small Entity

Fee Fee Fee Fee Fee Description  
Code (\$) Code (\$) Code (\$)

103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Fee Code	Large Entity (\$)	Small Entity (\$)	Fee Code	Large Entity (\$)	Small Entity (\$)	Fee Description
105	130	205	65			Surcharge - late filing fee or oath
127	50	227	25			Surcharge - late provisional filing fee or cover sheet
139	130	139	130			Non-English specification
147	2,520	147	2,520			For filing a request for ex parte reexamination
112	920*	112	920*			Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*			Requesting publication of SIR after Examiner action
115	110	215	55			Extension for reply within first month
116	400	216	200			Extension for reply within second month
117	920	217	460			Extension for reply within third month
118	1,440	218	720			Extension for reply within fourth month
128	1,960	228	980			Extension for reply within fifth month
119	320	219	160			Notice of Appeal
120	320	220	160			Filing a brief in support of an appeal
121	280	221	140			Request for oral hearing
138	1,510	138	1,510			Petition to institute a public use proceeding
140	110	240	55			Petition to revive - unavoidable
141	1,280	241	640			Petition to revive - unintentional
142	1,280	242	640			Utility issue fee (or reissue)
143	460	243	230			Design issue fee
144	620	244	310			Plant issue fee
122	130	122	130			Petitions to the Commissioner
123	50	123	50			Processing fee under 37 CFR 1.17(q)
126	180	126	180			Submission of Information Disclosure Stmt
581	40	581	40			Recording each patent assignment per property (times number of properties)
146	740	246	370			Filing a submission after final rejection (37 CFR § 1.129(a))
149	740	249	370			For each additional invention to be examined (37 CFR § 1.129(b))
179	740	279	370			Request for Continued Examination (RCE)
169	900	169	900			Request for expedited examination of a design application

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 260.00

**SUBMITTED BY**

Name (Print/Type)	Jeffrey M. Glabicki
Signature	<i>Jeffrey M. Glabicki</i>

Registration No.  
(Attorney/Agent)

42,584

**Complete (if applicable)**

Telephone 215-568-6400

Date 1/25/02

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